

Application No. 10/673,661
Amendment dated February 27, 2007
Reply to Office Action dated January 4, 2007

RECEIVED
CENTRAL FAX CENTER

FEB 27 2007

REMARKS/ARGUMENTS

Applicants have reviewed and considered the non-final Office Action mailed on January 4, 2007 ("Office Action"), and the references cited therewith.

Claim 8 is amended and claims 10-20 are added; as a result, claims 1-20 are now pending in this application.

Applicants respectfully submit that claims 10-20 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

I. OBJECTIONS – DRAWINGS AND CLAIM 8

The Examiner objects to the drawings and to claim 8, the Examiner believing that the drawings did not show the "drum end-disk" as recited in claim 8. Without commenting on the propriety of the objection, and in the interest of advancing prosecution of the case, Applicants have amended claim 8 to eliminate reference to the "drum end-disk". Applicants respectfully request withdrawal of the objections to the drawings and to claim 8.

II. CLAIM REJECTIONS §103

Claims 1 and 9 stand rejected under 35 U.S.C. §103(a), the Examiner finding the claims unpatentable over Eisenberg (U.S. Patent No. 6,039,070) in view of Schutz (U.S. Patent No. 3,037,509). The Examiner states "Eisenberg discloses a dermal grafting system comprising a dressing" and "[t]he dressing is 'chambered' since it must be incubated in order to promote growth." Office Action, p. 3. The Examiner appears to be interpreting the term "chambered" as "incubated."

Claim terms are to be given their plain meaning unless the meaning is inconsistent with the specification. See MPEP §2111.01 citing *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) ("Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.") The Examiner provides no support for interpreting the term "chambered" as "incubated" rather than applying the plain meaning of the term.

Application No. 10/673,661
Amendment dated February 27, 2007
Reply to Office Action dated January 4, 2007

Therefore, such an interpretation is improper and Eisenberg does not disclose or suggest a chambered dressing. Because neither Eisenberg nor Schultz disclose or suggest a chambered dressing, a prima facie case of obviousness has not been established, and claims 1 and 9 are not obvious in view of the cited references. See MPEP §706.02(j). Applicants respectfully request withdrawal of the rejection and allowance of claims 1 and 9.

Claims 2-8 stand rejected under 35 U.S.C. §103(a), the Examiner finding the claims unpatentable over Eisenberg in view of Schutz and Adamson (U.S. Patent No. 6,391,034 B1). Because claims 2-8 depend from directly or indirectly from claim 1, claims 2-8 are patentable for at least the reasons described above.

Applicants respectfully submit that claims 10-20 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Conclusion

If a Petition for Extension of Time under 37 C.F.R. 1.136(a) or an additional Petition for Extension of Time under 37 C.F.R. 1.136(a) is required, the petition is herewith made and the Commissioner is authorized to charge the required fee to deposit account number 500326.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 500326.

In light of all the foregoing, believing that all things raised in Examiner's January 4, 2007 Office Action have been addressed, Applicants respectfully request reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicants invite the Examiner to contact the undersigned at 210.255.6855.

Application No. 10/573,881
Amendment dated February 27, 2007
Reply to Office Action dated January 4, 2007

Respectfully submitted,


For Applicants

Nadeem G. Bridi, Reg. No.: 42,361
Intellectual Property Counsel
Kinetic Concepts, Inc.
Legal Department - Intellectual Property
P.O. Box 659508
San Antonio, Texas 78265-9508
Telephone: 210.255.6855
Facsimile: 210.255.6969
E-mail: nadeem.bridi@kci1.com